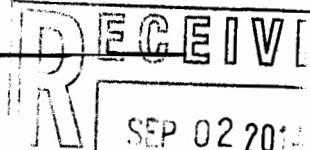


U.S. Department of Justice

United States Attorney
Southern District of New York

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86 Chambers Street, 3rd floor
New York, New York 10007

September 3, 2014

CHAMBERS OF
ALVIN K. HELLERSTEIN
U.S.D.J.BY ECF AND FACSIMILE (212) 805-7942

The Honorable Alvin K. Hellerstein
 United States District Judge
 United States Courthouse
 500 Pearl Street
 New York, New York 10007

The case is adjourned to
 Oct. 6, 2014, 10³⁰ a.m.
 9-4-14

Re: American Civil Liberties Union v. Dep't of Defense, et al.,
04 Civ. 4151 (AKH)

Dear Judge Hellerstein:

I am the Assistant United States Attorney representing the government in the above-referenced FOIA matter. By order dated August 27, 2014, the Court granted in part the ACLU's partial motion for summary judgment regarding Department of Defense ("DOD") photographs withheld under Exemption 3, in conjunction with the Protected National Security Documents Act of 2009, as well as other FOIA exemptions, and denied the government's motion for summary judgment regarding same. The order directs the parties to appear for a status conference on September 8, 2014, to discuss "whether the government intends to submit additional evidence into the record or to produce redacted versions of the photographs." Order at 20.

The government respectfully requests a short postponement of the status conference currently scheduled for September 8. Undersigned counsel (who is now the only AUSA assigned to this matter) has been out of the office since August 25, 2014, and is not scheduled to return until September 8, 2014. Accordingly, additional time is needed to coordinate with DOD to determine how the government intends to proceed. This is the government's first request for an adjournment of this conference.

The ACLU consents to an adjournment of the conference, but are not available until September 24. Accordingly, the Government requests that the Court reschedule the September 8 conference to September 24.

I thank the Court for its consideration of this matter.

Respectfully,
PREET BHARARA
United States Attorney

By: /s/ Tara M. La Morte
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cc: All counsel (by email)